



- 1 -

Patent Amendment

S/N:09/729,491, Art Unit: 3637

1 "Express Mail" mailing label number **EV 183 64 8725**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231

5



Charles R. Cypher, Reg. No. 41,694

Date of Deposit: March 17, 2003

RECEIVED
MAR 21 2003
GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10 In re patent application of:

Inventors/Assignors:	William F. Leek
Serial No.:	09/729,491
Filed:	December 3, 2000
15 Title:	Automatic Take-Up Device with Internal Spring
Examiner:	Tran A, Phi Dieu N
Art unit:	3637
20 Attorney Docket No.:	SST/1035

SUBMISSION UNDER 37 CFR. §1.114

Commissioner for Patents
Washington, D.C. 20231

25

Sir:

Applicant requests that the Examiner consider the following information disclosure statement under 37 CFR §1.114, as Applicant has
30 filed a Request for Continued Examination.

Remarks

With this submission no amendments are being made to the claims or specification. There are 20 claims pending in the application. Claim 1 is the
35 only independent claim.

The examiner has allowed all of the claims pending in the application, and Applicant thanks the examiner for the most recent Notice of Allowability with the examiner's statements regarding the allowable subject matter, and

- 1 -

1 the examiner's statement that the drawings mailed November 14, 2002 have
been accepted. The notice was mailed December 17, 2002, along with a
Notice of Allowance and Issue Fee Due Notice.

5 Information Disclosure Statement

Applicant thanks the examiner for considering the references already
submitted in the information disclosure statements in this application.

Since the mailing of the Notice of Allowability, Applicant has obtained
the declaration of Arthur B. Richardson concerning work to make and
10 publicize an automatic take-up device for tension tie-down systems in
wood-framed buildings that he and his partners conducted at least as early as
1998. This declaration and its attachments are enclosed, and it is listed in
the accompanying information disclosure statement.

Applicant has previously brought to the attention of the examiner a
15 brochure, entitled ANCHOR TIEDOWN SYSTEMS, INC., which carries the
date 1999. The previously submitted brochure is related to the subject
matter of the enclosed declaration.

This declaration was gathered in connection with a law suit, the
assignee of this application has filed against Alfred D. Commins, the named
20 inventor on U.S. Patent 6,390,747 B1. U.S. Patent 6,390,747 B1 claims
and teaches an automatic take-up device for tension tie-down systems in
wood-framed buildings. U.S. Patent 6,390,747 B1 was filed April 25, 2000,
and claims priority from a provisional application filed on September 24,
1999. U.S. Patent 6,390,747 is also the parent application for currently
25 pending application 10/146,531, filed on May 15, 2002.

The assignee of the present application, Simpson Strong-Tie Company,
Inc., filed a first amended complaint against Alfred D. Commins in the United
States District Court, Northern District of California, Docket Number C 03
0115 (SBA), on March 17, 2003. Among other claims for relief sought from
30 Alfred D. Commins, the Assignee of the present application, Simpson
Strong-Tie Co., Inc., is seeking specific performance. Simpson Strong-Tie
Company, Inc. is asking the court to require Alfred D. Commins to assign an
ownership interest in U.S. Patent 6,390,747 to it. Simpson Strong-Tie Co.,
Inc. is the former employer of Alfred D. Commins.

35

Conclusion

1 Applicant believes that claims 1 — 20 are patentable over the
materials submitted with this paper. Allowance of the claims at an early date
is solicited.

5 The undersigned wishes to state that if the Examiner has questions
about this submission, the undersigned would be most happy to try to
answer them on the telephone.

Respectfully submitted,

10

Reg. No. 41,694

Date: March 12, 2003

15

By: 
Charles R. Cypher, Applicant's attorney
1607 Financial Center Building
405, 14th Street
Oakland, CA 94612-2747
Telephone: (510) 832-4111
Fax: (510) 832-4115

20

25

30

35

EV 183 64 87 25

PTO/SB/08B (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Trademark Office: U.S. DEPARTMENT OF COMMERCE

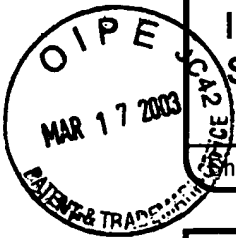
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

Application Number	09/729,491
Filing Date	12/03/2000
First Named Inventor	William F. Leek
Group Art Unit	3637
Examiner Name	Tran A, P.
Attorney Docket Number	SST/1035

(use as many sheets as necessary)

Sheet 1 of 1



OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner
Signature

Date
Considered

4/14/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. *re*

5058

\$ RCE
\$ 3600
91

3-19-03

PATENT

EV 183 64 8725



Patitioner's Docket No. SST/1035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Leek, William F.

Application No.: 09/729,491

Group No.: 3637

Filed: 12/03/2000

Examiner: Tran A, P.

For: Automatic Take-up Device with Internal Spring

BOX RCE

Commissioner for Patents

Washington, D.C. 20231

RECEIVED

MAR 21 2003

GROUP 3600

EXPRESS MAIL CERTIFICATE

"Express Mail" label number

EV183648725US

Date of Deposit 03/17/2003

I hereby state that the following *attached* paper or fee

Return Receipt Card,

Check no. 9408 \$750.00,

Request for Continued Examination (4 pgs),

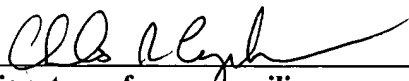
Submission Under 37 C.F.R. Section 1.114 (3 pgs),

Information Disclosure Statement (8 pgs),

1 References (108 pgs)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Charles R. Cypher


Signature of person mailing paper or fee

12/02



EV 183 64 8725

Practitioner's Docket No. SST/1035

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leek, William F.

Application No.: 09/729,491

Group No.: 3637

Filed: December 3, 2000

Examiner: Tran A, P.

For: Automatic Take-up Device with Internal Spring

RECEIVED
MAR 21 2003
GROUP 3600

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. Sections 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10*

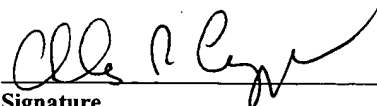
☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"
Mailing Label No.

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____ - ____.

Date: March 17, 2003


Signature

Charles R. Cypher

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement

Pg 1 of 8
ca 3/17/03

EV 183 64 8725

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of English Language Listed Information Items (Optional)
5. Identification of Person(s) Making This Information Disclosure Statement

EV 1 8 3 6 4 8 7 2 5

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

EV 183 64 8725

Section 2. Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)

(Insert form(s) PTO/SB/08A [Form 6-2] and/or form(s) PTO/SB/08B [Form 6-2.1].)

EV 183 64 8725

Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

Section 4. Concise Explanation of English Language Listed Information Items

Declaration of Arthur B. Richardson

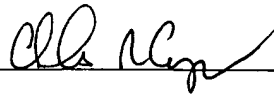
The enclosed declaration concerns the efforts of Mr. Richardson and his former partner to make and publicize an automatic take-up device for use with wood-framed buildings at least as early as 1998. The automatic take-up device described in the declaration is related to the automatic take-up device shown in a brochure previously submitted to the Patent Office by Applicant. The brochure was dated 1999 and entitled ANCHOR TIE-DOWN SYSTEMS, INC.

Section 5. Identification of Person Making This Information Disclosure Statement

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: March 17, 2003



Charles R. Cypher
Registration No. 41694
Law Offices of James R. Cypher
405 14th Street, Suite 1607
Oakland, CA 94612-2747
510-832 4111
Customer No. 498